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No. 01-1231

IN THE

# Supreme Court of the United States

CONNECTICUT DEPT. OF PUBLIC SAFETY, *ET AL.*,

*Petitioners*,

v.

JOHN DOE, *ET AL.*,

*Respondents*.

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit**

## BRIEF OF *AMICI CURIAE*, THE DISTRICT OF COLUMBIA, TWENTY-THREE STATES, AND THE U.S. VIRGIN ISLANDS IN SUPPORT OF THE PETITIONERS

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# BRIEF OF *AMICI CURIAE*, THE DISTRICT OF COLUMBIA, TWENY-THREE STATES, AND THE U.S. VIRGIN ISLANDS IN SUPPORT OF THE PETITIONERS

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## INTEREST OF *AMICI CURIAE*

This brief is submitted by the District of Columbia, twenty-three states, and the U.S. Virgin Islands.[1] The brief is submitted in support of the petition for writ of certiorari filed by the Connecticut Department of Public Safety, seeking reversal of *Doe v. Department of Public Safety*, 271 F.3d 38 (2d Cir. 2001). In that decision, the Second Circuit held that

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[1] The states who appear as *amici curiae* are: Alabama, Alaska, California, Colorado, Delaware, Florida, Hawaii, Indiana, Kansas, Maryland, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, and Utah.

Connecticut's sex offender registration and notification law is unconstitutional on the ground that it violates the procedural component of the Due Process Clause of the Fourteenth Amendment. The Second Circuit ruled that Connecticut must give convicted sex offenders residing or working in the State a hearing on whether they are "currently dangerous" and likely to repeat their offenses before the State may notify the public of their convictions.

Connecticut's law was enacted to conform to federal requirements set forth in the 1994 federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; the 1996 federal Megan's Law; the 1996 Pam Lynchner Act; and the 1998 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act. 42 U.S.C. § 14071. The Attorney General is directed to establish guidelines for state programs that require persons convicted of crimes against minors or crimes of sexual violence to register and provide their addresses and other information to state or local law enforcement officials and for public notification of the offenders. 42 U.S.C. § 14071(a)(1)(A). A state's failure to enact qualifying legislation could result in a ten percent reduction in the state's share of crime prevention and law enforcement assistance funds under 42 U.S.C. § 3756. 42 U.S.C. § 14071(f).

All states and the District of Columbia have enacted sex offender registration laws to conform to these federal requirements. Connecticut adopted one of two major approaches to comply with federal requirements for sex offender registration, under which the requirements for registration and the extent of community notification are based exclusively on the nature of the offense committed by the offender. The other major approach is like that which the Second Circuit held is constitutionally required and requires an individualized determination of current dangerousness



before a State may publicize a sexual offender's criminal convictions. A number of states and the District of Columbia have enacted registration laws like that of Connecticut. Other states have enacted hybrid statutes, under which the offender's offense alone (generally violent offenses or offenses against children) triggers the requirement of registration and the extent of public notification for more serious offenders, while individualized risk assessments are required for offenders who committed other less serious offenses.

The laws of the states and of the District of Columbia which have provisions similar to those of the State of Connecticut, are subject to similar constitutional challenges.[2] For example, based in part on the lower court decision in this case, *Doe v. Lee*, 132 F.Supp.2d 57 (D.Conn. 2001), the public notification provisions of District of Columbia's sex offender registration act have been held to be unconstitutional and their operation enjoined. *See Doe #1 v. Williams*, 167 F.Supp.2d 45 (D.D.C. 2001), *appeal pending sub nom.*, *John*

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[2] States that employ individualized risk-assessments in their sex offender registration programs also have an interest in this case. If the Second Circuit's decision stands, these states' risk-assessment mechanisms might be made subject to due-process scrutiny even in cases where the risk assessment leads to nothing more than public disclosure of the bare fact of the offender's conviction. Additionally, these states would be frozen into their current systems and could not change to an offense-based or hybrid system as the District of Columbia did just two years ago. Accordingly, the signatories of this brief include several states that employ individualized risk-assessment mechanisms.

*Does, 1-5 v. Anthony A. Williams*, Nos. 01-7162, 01-5394, 01-7176 (D.C. Cir.).[3]

## SUMMARY OF ARGUMENT

This case meets several criteria for a grant of review. The case has exceptional importance. An important law of the State of Connecticut has been held to be unconstitutional on the ground that it violates the procedural component of the Due Process Clause of the Fourteenth Amendment. The Second Circuit has held that the State of Connecticut must give convicted sex offenders residing, working, or attending school in the State a hearing on whether they are "currently dangerous" and likely to repeat their offenses before the State may provide the public with public record information relating to their convictions. The opinions of the lower courts invite similar challenges to the laws of other states, many of which are quite similar in salient respects to that of the State of Connecticut.

The Second Circuit and the district court misapplied *Paul v. Davis,* 424 U.S. 693 (1976), the decision on which they most heavily relied in striking down Connecticut's law. *Paul* dealt with the question of the extent to which a person has a constitutional claim against state or local officials for the release of false and defamatory information about him. These courts expanded *Paul* beyond its limits. The sexual offender notification provisions relate to the release of truthful, public-record information. The Connecticut sex offender registry consists only of information that is already of public record –

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[3] On October 11, 2001, the D.C. Circuit stayed the District Court's injunction in *Doe #1 v. Williams, supra*. The plaintiffs moved for reconsideration and to have the stay vacated after the Second Circuit held Connecticut's statute unconstitutional. On December 4, 2001, the D.C. Circuit denied that motion and the stay remains in effect.



namely criminal trials, required by the Sixth Amendment to be public, in which sex offenders included in the registry have been convicted of a sexual offense or otherwise adjudicated to have committed such an offense.

The Second Circuit did not find falsity in what the State of Connecticut said but in the implication which can be drawn from reporting that an individual has been convicted of rape or some other serious sexual offense. (A. 17-18). The court ruled that the implication to be drawn from a system which reports such past convictions to the public is the statement that the convict is currently dangerous. This implication can be drawn even though the State included in its public notification the statement that it had made "no determination that any individual in the Registry is currently dangerous." (A. 9). It is a serious misreading of *Paul* to find falsity and defamation in the truthful report that a person has previously been convicted of a serious sexual offense. *Paul* does not require a State to give a convict a hearing on whether he is "currently dangerous" before the public-record fact of a serious criminal conviction can be reported.

Indeed, that conclusion also necessarily follows from *Paul's* holding that there is no substantive right to prevent a state or local government from reporting the fact of an arrest. The Court rejected an argument in which the plaintiff argued that "the State may not publicize a record of an arrest," basing his argument on a "right of privacy" guaranteed by the First, Fourth, Fifth, Ninth and Fourteenth Amendments. 424 U.S. at 712-714. The Court stated that "[n]one of our substantive privacy decisions hold this or anything like this, and we decline to enlarge them in this manner." This reasoning applies with much stronger force where, as here, the fact of a conviction, rather than a mere arrest, is publicized.

In short, this case is important, because many states have laws similar to the Connecticut statute struck down by the

Second Circuit. That court's decision is based on a serious misreading of *Paul v. Davis* and conflicts with that decision. Additionally, as demonstrated by the Petition, and acknowledged by the Second Circuit, there is a direct and irreconcilable conflict among circuits on the issue presented here. (Pet. at ; A. 32-33).[4] Review should be granted.

## REASONS FOR GRANTING THE PETITION

### I. THIS CASE HAS EXCEPTIONAL IMPORTANCE TO MANY STATES WITH SIMILAR SEX OFFENDER REGISTRATION LAWS.

All states and the District of Columbia have sex offender registration laws which conform to the requirements of the federal statute and regulations or guidelines to protect children and adults from known child molesters and known sexually violent offenders. The first federal statute to be enacted, as part of the 1994 federal crime bill, is the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.[5] 42 U.S.C. § 14071. In 1996, the

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[4] Although the Court has granted the petition for writ of certiorari to the Ninth Circuit in *Doe v. Ott*, ___ U.S. ___, 122 S.Ct. 1062 (2002), it is important for the Court to grant Connecticut's petition for a writ of certiorari to the Second Circuit as well. This case involves a due process challenge to sex offender registration laws. Since the lower court decision in either case would hobble the ability of states to inform communities about convicted sex offenders in their midst, the Court should resolve both issues.

[5] The law was named for eleven-year-old Jacob Wetterling who was abducted at gunpoint by a masked man as he was returning home from a convenience store in St. Joseph, Minnesota, in 1989 and was never found. H.R. Rep. No. 392, 103d Con., 1st Sess. 3 (1993).



law was amended by the federal Megan's Law to require community notification when necessary to protect the public concerning a specific person required to register.[6] 42 U.S.C. § 14071. The law was amended again in 1996 by the Pam Lychner Sexual Offender Tracking and Identification Act. Among other things, this amendment directs the Federal Bureau of Investigation to establish a national database of sex offenders to assist law enforcement agencies in tracking sex offenders when they move from one state to another. 42 U.S.C. § 14072.

The law requires the Attorney General to establish guidelines for state programs to require persons convicted of crimes against minors or crimes of sexual violence to register and provide their addresses and other information to state or local law enforcement officials. 42 U.S.C. § 14071(a)(1)(A).[7] A state's failure to enact qualifying

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[6] The law was named for seven-year-old Megan Kanka, who was was raped and murdered by a neighbor in 1994. The neighbor enticed Megan into his home with an invitation to see his puppy and then raped and killed her. Megan's body was found several days later in a plastic bag in a nearby wooded area. The neighbor had previously been convicted twice of child molestation and moved into the house across from the Megan's upon his release from prison; he lived there with two other convicted sex offenders. Neither Megan's parents nor other neighbors knew anything about his history or that of the other occupants of the house. *See E.B. v. Verniero*, 119 F.3d 1077, 1081 (3d Cir. 1997).

[7] In the event a state fails to establish a qualifying sexual offender registration system, sexual offenders in that state are required to register with the Federal Bureau of Investigation,

legislation could result in a ten percent reduction in the state's share of crime prevention and law enforcement assistance funds under 42 U.S.C. § 3756, known as the Edward Bryne Act. *See* 42 U.S.C. § 14071(f).

The law requires that state programs must include in their registries persons convicted of enumerated sexual and other criminal offenses against a minor, sexually violent offenses, and what the law defines as a "sexually violent predator." 42 U.S.C. § 14071(a)(1). The term "criminal offense against a victim who is a minor" includes kidnapping or false imprisonment of a minor, except by a parent; criminal sexual conduct toward a minor; solicitation of a minor to engage in sexual conduct or to practice prostitution; use of a minor in a sexual performance; or any criminal conduct that is a sexual offense against a minor; and attempts to commit any of these offenses. 42 U.S.C. § 14071(a)(3)(A).

A "sexually violent offense" is an offense which is comparable to "aggravated sexual abuse" or "sexual abuse" described in 18 U.S.C. §§ 2241 and 2241 or attempts to commit these offenses. 42 U.S.C. § 14071(a)(3)(B). "Aggravated sexual abuse" is an offense under which a person "knowingly causes another person to engage in a sexual act" by force or by threat or placing that person in fear of "death, serious bodily injury, or kidnapping;" engages in a sexual act after rendering the victim unconscious or by administering a drug or intoxicant that substantially impairs the ability of that person to appraise or control conduct. 18 U.S.C. § 2241. Aggravated sexual abuse is also defined as a sexual act with a child under 12 years of age or under 16 years of age if the perpetrator is four years older than the victim. *Id.* Sexual abuse is engaging in a sexual act by placing the person in fear

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which is required to establish a federal system. 42 U.S.C. § 14072(c).



other than fear of death, serious bodily injury, or kidnapping or engaging in a sexual act with a person "incapable of appraising the nature of the conduct" or "physically incapable" of declining participation or communicating unwillingness to engage in the sex act. 18 U.S.C. § 2242. A "sexually violent predator" is a person who has been convicted of a sexually violent offense and has a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. 42 U.S.C. § 14071(a)(3)(C).

The registration period is for life or for a minimum period of ten years. 42 U.S.C. § 14071(b)(6)(A) & (B). A person must register for life if (1) he has committed more than one registration offense; (2) he has committed an "aggravated" offense, like those described in 18 U.S.C. § 2241, or (3) he is a "sexually violent predator." 42 U.S.C. § 14071(b)(6)(B). Those convicted of other registration offenses must register for a period of 10 years. 42 U.S.C. § 14071(b)(6)(A). The states must collect specific information from registrants, including home and work addresses, fingerprints and a photograph. 42 U.S.C. § 14071(b)(1). Registrants must report changes of address, and state officials are required to verify information as to registrants at least annually. 42 U.S.C. § 14071(b)(1)&(3). States are required to obtain additional information from sexually violent predators, including identifying factors, anticipated future residence, offense history and any treatment received for mental abnormality or personality disorder and must verify information every 90 days. *Id.*

The statute permits states to release information collected under their registration programs "for any purpose permitted under the laws of the State." 42 U.S.C. § 14071(e)(1). The guidelines mention the broad discretion that states have to release information, stating that "there is no requirement under the Act that registration information be treated as private or

confidential to any greater degree than the state may wish." 62 Fed.Reg. 581 (Jan. 5, 1999). A state is required to release information to the community "that is necessary to protect the public concerning a specific person required to register under" the federal law. 42 U.S.C. § 14071(e)(2).[8]

Connecticut, other states including the States of Alaska, Colorado, Kansas, Missouri, Oklahoma, Oregon, South Carolina, South Dakota, and Utah, and the District of

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[8] The Department of Justice Guidelines suggest any one of three different approaches for community notification:

> One type of approach … involves particularized risk assessments of registered offenders, with differing degrees of information release based on the degree of risk. …
>
> States also are free under the Act to make judgments concerning the degree of danger posed by different types of offenders and to provide information disclosure for all offenders (or only offenders) with certain characteristics or in certain offense categories. …
>
> Another approach by which states can comply with the Act is to make information accessible to members of the public on request. This may be done, for example, by making registration lists open for inspection by the public, or by establishing procedures to provide information concerning the registration status of identified individuals in response to requests by members of the public. …

64 Fed. Reg. 582.



Columbia have all based community notification primarily on the nature of the offense committed by the offender rather than other characteristics of the offender or the use of individualized risk factors.[9] This type of notification flows from the Wetterling Act, because that is the approach Congress took in enacting the law. Except in dealing with sexually violent predators, the Wetterling Act is geared only to the nature of the offense committed by the offender.[10] It is undoubtedly the reason that Connecticut and other states have chosen this means for community notification. It is the reason that this case has great importance to other states, as well as the State of Connecticut.

## I. THE COURT OF APPEALS DECISION CONFLICTS WITH *PAUL v. DAVIS.*

### A. *Paul* Does Not Require a Hearing on Whether an Offender Is Currently Dangerous Before Release of Public Record Information of His Convictions.

The petition involves whether the federal courts may enjoin the State of Connecticut from disseminating truthful conviction information to the public from public records —

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[9] One authority has indicated that 19 states require that all offenders convicted of specified sex offenses undergo public notification without individualized risk assessments. Wayne A. Logan, *A Study in "Actuarial Justice": Sex Offender Classification Practice and Procedure*, 3 Buff. Crim. L. Rev. 593, 608 (2000).

[10] Counsel for petitioners informed us that the Department of Justice granted the State of Connecticut a waiver of the requirement that it include the category of "sexually violent predator" in its registration system.

judicial records — about the sex offenses committed by sex offenders living, working, or attending school in the State. The collection and dissemination of that information is done pursuant to a State law, whose provisions conform to the requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and Megan's Law, as amended, 42 U.S.C. § 14071. The Second Circuit held that conviction information can only be released to the public if the State first makes a determination that the sex offenders are currently dangerous in the sense that they are likely to repeat their offenses.

This decision is inconsistent with the Court's decision in *Paul v. Davis*, 424 U.S. 693 (1976). There, the Court held that the practice of a city police force of disseminating information regarding suspected shoplifters did not violate either substantive privacy interests or the procedural component of the Due Process Clause of the Fourteenth Amendment. *Paul* involved an "Active Shoplifters" offender list which was very similar in salient respects to the sex offender registry involved in this case. It had been maintained by the police department of the City of Louisville, Kentucky for fifteen years.[11] The principal difference is that only a conviction will suffice to place a sex offender on Connecticut's offender registry, while a mere arrest was sufficient in *Paul*. Indeed, the plaintiff in that case had been put on the active shoplifter list based on an arrest; the charges against him were dismissed after the list had been disseminated to 180 merchants.

The "Active Shoplifters" list had a cover memorandum and five pages of names with the pictures of those who had

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[11] *See Davis v. Paul*, 505 F.2d 1180, 1181 n. 1 (6th Cir. 1974), *rev'd*, 424 U.S. 701 (1976).



been determined to be shoplifters. The memorandum provided:

> TO: BUSINESSMEN IN THE METROPOLITAN AREA
>
> The Chiefs of The Jefferson County and City of Louisville Police Departments, in an effort to keep their officers advised on shoplifting activity, have approved the attached alphabetically arranged flyer of subjects known to be active in the criminal field.
>
> This flyer is being distributed to you, the business man, so that you may inform your security personnel to watch for these subjects. These persons have been arrested during 1971 and 1972 or have been active in various criminal fields in high density shopping areas.
>
> Only the photograph and name of the subject is shown on this flyer, if additional information is desired, please forward a request in writing .... [424 U.S. at 695]

The flyer had an additional five pages of "mug shot" photos alphabetically arranged, and each page was headed:

> NOVEMBER 1972
> CITY OF LOUISVILLE
> JEFFERSON COUNTY
> POLICE DEPARTMENTS
> ACTIVE SHOPLIFTERS

*Id.* The plaintiff's name and mug shot appeared on the second page. *Id.*

In *Paul*, this Court recognized a constitutional tort similar to defamation where a defamatory statement by government officials results in stigma-plus. Specifically, a plaintiff must demonstrate each of the following elements for the constitutional tort the Court recognized: (1) a defamatory statement which defames the plaintiff; (2) a serious harm to

the plaintiff's reputation; and (3) a significant alteration or extinguishment of a right or status previously recognized by state law. 424 U.S. at 708, 710-12. These elements of the cause of action are not met here.

There is no defamatory statement. In order to establish the first element of the *Paul* cause of action, a plaintiff must demonstrate that the statement made by government officials was false. Falsity is an element of every cause of action for defamation the Court has permitted to go forward under the First Amendment. *See Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 347 (1974); *Curtis Publishing Co. v. Butts*, 388 U.S. 130, (1967); *Time, Inc. v. Hill*, 385 U.S. 374, 386-89 (1967); *New York Times v. Sullivan*, 376 U.S. 254 (1964).

Under its sex offender law, the State has disseminated the true, public fact that offenders included in the registry were convicted or found not guilty by reason of insanity of designated sex offenses. Before anyone on the registry was convicted or found not guilty by reason of insanity of that sex offense, he had the extensive procedural protections afforded by the criminal justice system. At the end of that process, that person was adjudicated to be a "sex offender." The State of Connecticut does nothing more than disseminate this adjudicated fact to the public. That is all of the process contemplated by *Paul*.

The lower court did not find that the registry contained any false statement. Instead, it ruled the public dissemination of registry information implies that sexual offenders on the registry are currently dangerous. The finding of an implicit assertion of dangerousness is directly contrary to explicit statements which accompany the registry that the State "has not considered or assessed the specific risk of reoffense with regard to any individual" registrant and that it "has made no determination that any individual in the Registry is currently dangerous."



The Second Circuit's decision to strike down the law is based on the apparent assumption that the general public does not understand such statements and cannot evaluate public record information. That assumption is contrary to the usual assumption in our jurisprudence that the public is fully capable of evaluating truthful information and that information from public records is in the public domain and can be disseminated without editorial comment from the government. *Cox Broadcasting Corp. v. Cohn*, *supra*, 420 U.S. 469, 492-97 (1975); *Time, Inc. v. Hill*, 385 U.S. 374, 386-88 (1967).

## II. The Second Circuit Imposed a Substantive Limitation on the Publication of Conviction Records in Violation of *Paul*.

The Second Circuit imposed a substantive limitation on the release of conviction records even though it rested its holding in procedural due process grounds. This contradicts the square holding in *Paul*.

The ruling that the State of Connecticut makes an implicit statement that a sex offender is currently dangerous when it releases the offender's conviction record and, therefore, cannot release that information without first affording an offender a hearing on the question of current dangerousness is a substantive limitation on the public dissemination of a sex offender's criminal history. That is so, because the State expressly stated that it had made no determination that any individual in the registry is currently dangerous.[12] Thus, the

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[12] The statement that the State of Connecticut makes with the release of record information is:

> The Department of Public Safety has not considered or assessed the specific risk of reoffense with regard to any individual prior to

implicit statement that the Second Circuit found the State to have made is directly contrary to the State's explicit statement that accompanied release of the information. The implicit statement accompanies the publication of the fact of conviction as a matter of law, regardless of what the State explicitly says.

This prohibits or limits the release of sex offender convictions unless a risk assessment which concludes that a person poses a danger is made first, at least if the offender requests such an assessment. This showing approaches and may even exceed that necessary for the civil commitment of a sexual predator. *Kansas v. Crane*, 122 S.Ct. 867, 870 (2002) (To civilly commit, "there must be proof of serious difficulty in controlling behavior."). The State of Connecticut was not attempting to civilly commit sex offenders here; it was merely publishing public record information relating to their convictions. There is a big difference.

Such a difference is recognized in the cases. In *Paul*, the plaintiff-respondent argued that "the State may not publicize a record of an arrest" where the charges against him had been dismissed, basing his argument on a "right of privacy" guaranteed by the First, Fourth, Fifth, Ninth and Fourteenth Amendments. 424 U.S. at 712-714. The Court responded that "[n]one of our substantive privacy decisions hold this or anything like this, and we decline to enlarge them in this manner." This reasoning applies with much stronger force where, as here, the fact of a conviction, rather than a mere arrest that did not result in a conviction, is publicized.

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his or her inclusion within this registry and has made no determination that any individual in the Registry is currently dangerous. (A. 9).



In *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975),[13] the Court held that a state may not "impose sanctions on the accurate publication of the name of a rape victim obtained from public records — more specifically, from judicial records which are maintained in connection with a pubic prosecution and which themselves are open to public inspection." *Id.* at 491. Thus, the rape victim could not be protected from having her name published when her name was taken from public records and court proceedings, in contravention of local statutes.

The practical effect of the decision below is to prohibit the dissemination of the name of the rapist where the dissemination is required by local law. This result is wrong and should not stand. The "good" name and reputation of the rapist cannot receive constitutional protection where similar protections are denied his victim.

The Court based the decision in *Cox Broadcasting* on the fact that the information published was truthful and that it was

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[13] In *Cox*, a broadcast reporter covered a criminal trial in Georgia in which the defendant was convicted of raping and murdering his victim. The reporter uncovered the name of the victim from court records, including the indictment. He broadcast the victim's name in violation of a Georgia statute, which made it a misdemeanor to broadcast or otherwise report "the name or identity of any female who may have been raped or upon whom an assault with intent to commit rape may have been made." The victim's family obtained a civil, tort recovery based on a private action under the statute. The Supreme Court of Georgia held that the statute did not violate the First Amendment. 420 U.S. at 470-76. This Court reversed, holding that "[o]nce true information is disclosed in public court documents open to public inspection, the press cannot be sanctioned for publishing it." *Id.* at 496.

already in the public domain on official court records. The Court stated:

> By placing the information in the public domain on official court records, the State must be presumed to have concluded that the public interest was thereby served. Public records by their very nature are of interest to those concerned with the administration of government .... In preserving that form of government the First and Fourteenth Amendments command nothing less than that the States may not impose sanctions on the publication of truthful information contained in official records open to public inspection.

420 U.S. at 493. The Court also noted that special protection is given to reports of judicial proceedings. *Id.* at 492-93, citing *Craig v. Harney*, 331 U.S. 367, 374 (1947) ("A trial is a public event. What transpires in a court room is public property.").

Under its sex offender statute, the State of Connecticut merely disseminates the true, public fact that a person was convicted or found not guilty by reason of insanity of a designated sex offense. Before that person was convicted or found not guilty by reason of insanity of that sex offense, he had the extensive procedural protections afforded by our criminal justice system. At the end of that process, that person was adjudicated to be a "sex offender." The statute does nothing more than disseminate this adjudicated fact to the public.



## CONCLUSION

The petition should be granted.

Respectfully submitted,

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